Exploring the Future: Mega Trends in Higher Education Labor and Employment Law

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EXPLORING THE FUTURE:
MEGA TRENDS IN HIGHER EDUCATION LABOR AND EMPLOYMENT LAW

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Plenary Session Materials

Recruitment, Retention, and Remote Work

• The CUPA-HR 2023 Higher Education Employee Retention Survey
  Jacqueline Bichsel, Melissa Fuesting, Diana Tubbs, and Jennifer Schneider,
  September 2023
• Keys to Retaining Supervisors in a Time of Turnover
  CUPA-HR Blog, October 3, 2023
• Hybrid, Remote and Flexible Work: The Secret Sauce for Employee Retention?
  CUPA-HR Blog, September 19, 2023
• The Top Predictor of Higher Ed Employee Retention May Surprise You
  CUPA-HR Blog, September 12, 2023
• Multi-State Workforce Survey Results
  CUPA-HR, April 2023
• Managing a Multi-State Workforce: Key Findings From the CUPA-HR Survey and a
  Public University’s Hybrid Approach
  CUPA-HR Blog, April 19, 2023
• New Research Finds Higher Ed Institutions Are at Risk of Losing Supervisors to Other
  Employers
  CUPA-HR Blog, January 11, 2023
• Mental Health at Work: Managers and Money  
Workforce Institute @UKG, 2023

Unionization on Campus

• Blurred Lines: Key Issues in Student Employment  
Derek Ishikawa, Babak Bakhtiari, Dr. Eric Butler, and Martha Kim  
NACUA’s 2023 Annual Conference

• The Graduate(s): The Legal Affairs of Graduate Students  
Barbara Lee, Anne Schira, Mishka Woodley; and Zahraa Zalzala  
NACUA’s Winter 2023 Virtual CLE Workshop

• State of the (Student) Union(ization)  
Priya Harjani, Steven Porzio, Lili Palacios-Baldwin, and Sarah Wake  
NACUA’s 2022 Annual Conference

• Labor Rights and Labor Wrongs: An NLRB Update  
Meredith Dante, Neil Goldsmith, and Gerard St. Ours  
NACUA’s Spring 2022 CLE Workshop

• Labor Action Tracker  
Collaboration between the Industrial Labor Relations School, Cornell University and the School of Labor & Employment Relations, the University of Illinois Urbana-Champaign

• Union Activity In Higher Education Reached Historic Levels In 2022 And Beyond  
Grant T. Pecor, Aaron Vance of Barnes & Thornburg LLP  
The National Law Review, Volume XIV, Number 27, January 27, 2024

• New Unions Represent over 40K Grad Students, Postdocs, Researchers  
Insider Higher Ed, January 29, 2024

EEOC’s AI Initiative

• Artificial Intelligence and Algorithmic Fairness Initiative  
EEOC Page

EEOC Technical Assistance Document, May 18, 2023

• The Americans with Disabilities Act and the Use of Software, Algorithms, and Artificial Intelligence to Assess Job Applicants and Employees  
EEOC Technical Assistance Document, May 12, 2023

• Joint Statement on Enforcement Efforts Against Discrimination and Bias in Automated Systems  
Consumer Financial Protection Bureau, Department of Justice, U.S. Equal Employment Opportunity Commission, Federal Trade Commission

• The EEOC’s Keith Sonderling on job fairness in the age of AI  
“Managing The Future of Work” Podcast, Harvard Business School, September 20, 2023
DEI in Employment, Post-SFFA

- Colo. Attorney General Formal Opinion No. 23-02
  Philip J. Weiser, October 4, 2023
- Statement from EEOC Chair Charlotte A. Burrows on Supreme Court Ruling on College Affirmative Action Programs
  EEOC Statement, June 29, 2023
- The Students for Fair Admissions Decision: The Gutting of Grutter
  Maya R. Kobersy
  NACUANOTE, September 6, 2023
- Unintended Consequences: Managing Legal Risks of Faculty DEI Programs
  Amanda Cochran-McCall, Darren Gibson, Julie Miceli
  NACUA’s Spring 2023 CLE Workshop
- Free Speech Risks Facing Higher Education in the Next Year, and Advice to Be Ahead of the Curve
  Michael Baughman, Lauren Hartz, Alyssa Rollock
  NACUA’s Fall 2023 CLE Workshop
- DEI Legislation Tracker
  The Chronicle of Higher Education
- The Supreme Court is poised to drop another DEI shoe next year
  Jonathan A. Segal and Adam D. Brown
  LegalDive | Opinion

Other

- The Great Recalibration: Adjusting to the Workforce of the Future
  Andy Brantley, Sharmaine LaMar, Alexandra Schimmer
  NACUA’s Spring 2022 CLE Workshop